

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

STATE OF TEXAS, *et al.*,

*Plaintiffs,*

v.

BUREAU OF ALCOHOL, TOBACCO,  
FIREARMS AND EXPLOSIVES, *et al.*,

*Defendants.*

Civil Action No. 6:23-cv-00013

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO RESPOND TO PLAINTIFFS' COMPLAINT**

Defendants respectfully move for an extension of time to file their response to Plaintiffs' complaint, ECF No. 1, for which the current deadline is April 17, 2023. *See* Fed. R. Civ. P. 12(a)(2); ECF No. 12. Defendants have conferred with Plaintiffs, and Plaintiffs do not oppose to this request.

Plaintiffs commenced this action on February 9, 2023, challenging a rule promulgated by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), *Factoring Criteria for Firearms With Attached "Stabilizing Braces,"* 88 Fed. Reg. 6,478 (Jan. 31, 2023). ECF No. 1. On March 6, 2023, Plaintiffs filed motion for preliminary injunction. *See* ECF No. 16. Defendants responded, ECF No. 22, and Plaintiffs replied, ECF No. 29. Additionally, Plaintiffs filed a motion requesting that the Court rule on their preliminary injunction motion before April 1, 2023. ECF No. 17. However, in light of a Northern District of Texas ruling denying a preliminary injunction in a case challenging the same ATF Rule at issue here, the Court ordered the Parties to submit supplemental briefing addressing how that decision impacts the issues in the preliminary injunction motion in this case. ECF No. 26. The Court thus denied Plaintiffs' request for an April 1 ruling as moot, *see* March 31, 2023 Docket Entry, and Plaintiffs' motion for preliminary injunction remains pending.

Accordingly, Defendants respectfully request that the Court extend their deadline to respond to Plaintiffs' complaint until 30 days after the Court issues a decision on Plaintiffs' motion for preliminary injunction. Good cause exists for this extension: permitting Defendants to incorporate the Court's ruling into its responsive pleading will promote efficient briefing of the issues in this case and conserve the Court's time and resources. Defendants appreciate the Court's consideration.

Dated: April 14, 2023

Respectfully submitted,

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/s/ Taylor Pitz  
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*\*Pro hac vice* motion pending

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

On April 14, 2023, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Southern District of Texas, using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Taylor Pitz

Trial Attorney

U.S. Department of Justice